The Solicitors' Journal

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Current Topics.

The Michaelmas Term.

THE Long Vacation this year has not been a very complete affair. In addition to the frequent sittings in the Divorce Division to try cases of which an early hearing was desirable, one Division of the Court of Appeal and five judges of the King's Bench Division commenced work on 29th September, although term does not actually commence until 12th October. Actions in the King's Bench Division standing ready for trial are 360. The number set down for the Michaelmas term of last year was 359. There are 130 long non-jury actions, as against 114 last year, and 199 short non-juries as against 215 last year. There is only one special jury action; there were none at the same time last year. The cases in the Commercial List number 14, as compared with 9 for the Michaelmas term of last year, and there are 16 short causes as against 21 last year. In the Chancery Division, Mr. Justice BENNETT and Mr. Justice UTHWATT will take the cases in the witness list, and Mr. Justice SIMONDS and Mr. Justice MORTON will take the non-witness list. Mr. Justice SIMONDS will take company matters; these number 59, as compared with 73 last year at the same time. The total number of causes and matters for hearing in the Chancery Division is 81, as compared with 101 for the corresponding term of last year. There are 113 appeals to the Divisional Court; these consist of 61 in the Divisional Court list, two motions for judgment, one in the Special Paper, one appeal under the Unemployment Insurance Acts, 1939–40, one under the National Health Insurance Act, 1936, and 47 in the Revenue Paper. In the Court of Appeal there are 152 final appeals and 12 interlocutory appeals, as compared with a total number of 99 appeals for the corresponding term of last year. The number of appeals from the Chancery Division is 14, six are from the Probate and Divorce Division, eight from the Admiralty Division, 68 from the King's Bench Division, and seven on the Revenue Paper from the King's Bench Division; 41 are from county courts and eight are from county court judges sitting as arbitrators under the Workmen's Compensation Acts.

Christianity and the Law.

Mr. Justice BIRKETT recently gave the closing address at a series of conferences held at Carr's Lane Church, Birmingham, on "Christianity and Life." His Honour Judge FINNEMORE, who presided at the meeting on 13th September, said that many people were apt to think the practise and administration of the law remote from their own lives, and still more remote from Christianity. Christianity gave the individual his supreme value, and the law guaranteed it. The freedom of person, press, speech and religion were won in England in battles in the courts, even more than in Parliament, and Hitler, in stilling the voice of the preacher and sweeping away law and law courts, knew that better than most people. Mr. Justice BIRKETT said that the conferences at Carr's Lane had provided a valuable survey of civic and national life. It was popularly supposed that Christianity was part and parcel of national life, but analysis showed that that statement required considerable qualification. In practice, the domain of law and morality closely adjoined. In many matters law had nothing to do with morality, but in every part of the land there was an instinctive desire, deep in the mind of the people, to associate law with morality. The common phrase: "It may be the law, but it is not justice," exemplified that. There should be, he said, a wider knowledge of the general principles of law, as part of the educational system. All personal conduct from morning to night in any ordinary day was governed by the general body of the law. It was the duty of citizens to insist at all times on fearless and independent administration of the law. Lawyers in all ages had been the subject of much invective and criticism, but they had their defenders, and it was right that there should be a body of men to whom citizens could turn for guidance and for the attainment of justice. Lawyers should, therefore, be men of the highest character. In the sphere of the criminal law it was important to see that the laws to be administered should be just, and plainly seen to be so in their administration.

London Squares.

SINCE the railings were removed from most of the London squares a controversy has arisen between those who would maintain their ancient and, it must be added, legal rights, and those who welcome this act of salvage as an incidental vindication of their moral rights to the full enjoyment of London's new open spaces. Those who assert their property rights contend that the formerly enclosed part of the square no more becomes subject to a right of way or enjoyment in the public than do the forecourts and gardens of houses as a result of the removal of their railings. The owners of the freehold, they argue, are still entitled to enclose the squares, and the only obstacle in the way of this desirable object is the problem of the material and labour. The estate market correspondent of *The Times*, writing in its issue of 15th September, stated: "How far owners and others may try to go in excluding the public from the enclosures probably depends on the behaviour of persons who enter the unfenced spaces. Neither owners nor residents will as a rule be inclined to interfere with the 'quiet enjoyment' or user of the enclosures, that is to say, walking or sitting within the grounds while refraining from littering them . . . Unruly or maliciously disposed intruders will doubtless be as speedily and effectively dealt with by the police as if they were misbehaving themselves in the streets. From a legal standpoint, therefore, it would seem that, subject to certain considerations, the problem of the future of the squares is unaffected." While the present legal rights of the owners of the squares cannot be denied, there are certain criticisms which this statement invites. One is that if the police are ready to intervene where there is malicious or other damage to herbs, shrubs and other property in the squares, it seems otiose for the owners to intervene except to protect their mere property rights of exclusion of the rest of the community. The other criticism is that in a free democracy the rights of the public to the enjoyment of those things which it needs are not theoretical or problematical, but actually exist, subject, of course, to the payment of proper compensation to those whose legal rights are diminished. The Open Spaces Act, 1906, empowers metropolitan boroughs, as well as a large number of other local authorities, to acquire compulsorily for the use of the public any open spaces, whether enclosed or unenclosed. While sympathy cannot be entirely withheld from the owners of the freehold of the squares, it is as well that they should be reminded that if any question arises in the future as to a possible exercise by the metropolitan boroughs of their powers in this respect, the views of the freeholders may not be the views of the majority.

The Trade Disputes Act, 1927.

ON 11th September, the closing day of the conference of the Trade Union Congress at Blackpool, a resolution was unanimously passed expressing dissatisfaction with the attitude of the Government on the proposed amendment of the Trade Union Act, 1927, and asserting that efforts would be renewed to secure an undertaking from the Government to deal with the matter in the next session. It may be remembered that in response to representations from the General Council on 10th April, 1941, the Prime Minister promised that full consideration would be given to the question of the amendment of the Act. Replying to an appeal to avoid political controversy during the war period, Sir WALTER CITRINE announced at the meeting of the Trade Union Congress on 3rd September, 1941, that they had decided to limit their representation to two specific

sections, s. 5, which limits the rights of civil servants to join trade union organisations, and s. 6, which makes it illegal to make a condition of the employment of a servant of a local or public authority that he shall or shall not belong to a trade union, or in any way to penalise membership or non-membership of a trade union. It was then proposed that discussions should take place on the matter between representatives of the Trade Union Congress and the Conservative party. At Blackpool, on 11th September, Sir WALTER CITRINE referred to a letter which he had received from the Prime Minister in which he stated that he had given earnest consideration to the matter of the Trade Disputes Act, 1927, and was now in possession of the views of the Conservative party. He urged that the proposal to amend the Act should not be pressed at this critical period of the war. In the absence of agreement, he stated, the national interest was best served by not pressing it. Sir WALTER said that that was making the war an excuse for not dealing with a much overdue reform. Perhaps a more accurate interpretation of the Prime Minister's letter would be that it is not the war, but this particularly critical period of the war, which renders it in the national interest that the attention of the country shall not be diverted to issues, however important, which are strictly irrelevant to the prosecution of the war, and on which there is a profound cleavage of opinion. Sir WALTER announced the intention of the Trade Union Congress to press the matter, but it is an indication of the state of opinion in the trade union movement that an amendment calling for the repeal of the Act and the restoration of the pre-1927 position was defeated. No doubt at a less critical stage of the war the position can be reviewed and a compromise sought between extreme views. The best formula for resolving those views so far seems to be that laid down in a leading article of *The Times* of 12th September, where the writer stated: "If the unions have failed to understand the shock of those events (the General Strike of 1926) on public opinion, the public has also failed to understand the depth of resentment in the unions against the penal clauses of the legislation which followed." By the use of a little imaginative sympathy and understanding a reconciliation of the opposing views may be effected, with good results for everybody.

A War Damage Misapprehension.

THERE appears to have been some misunderstanding as to the position of vendors of property affected by war damage, and the War Damage Commission has considered it necessary to issue a public statement on the matter. It is pointed out that if a property is so seriously damaged as to be a total loss within the meaning of the War Damage Act, 1941, a value payment is made to the persons who hold proprietary interests in it at the time of the damage. If the property is not a total loss, the usual payment is a cost of works payment made to the person who actually incurs the cost of repair. If the sale is effected before the damage is made good, this person would normally be the purchaser. It follows that if property is sold on the assumption by the vendor that the Commission will pay him the difference between the value of the property before the damage and the sum at which he sells it in its damaged condition, he is liable to suffer serious loss if it should subsequently appear that a cost of works payment would be appropriate, as it is the purchaser who will be entitled to claim the cost of the repair from the Commission. It does not appear from s. 6 (1) of the War Damage Act, 1941, that there is any right of appeal from the Commission's determination as to the type of payment to be made, but under s. 6 (2) (*b*) there is an appeal to a referee at the instance of the owner of a proprietary interest, of any mortgagee, or of any person who has incurred cost which could be the subject of a cost of works payment, as to the value which a hereditament would have in the circumstances specified in s. 4 (1) (*a*), which sets out certain circumstances in the absence of which the payment shall be for the cost of works. A person who has sold his proprietary interest could no longer have any right of appeal, and his position if he has sold it on the assumption that he will receive a value payment will be precarious. It will not, however, be irremediable, and no doubt in such a case a clause can be devised to protect the interests of the vendor.

Far-Eastern War Damage.

As a footnote to our recent "Current Topic" on "Scorched Earth and War Damage" (*ante*, p. 270), it is worth adding that an official "statement of intentions" has been issued from the Burma Office, announcing that "it will be the general aim of H.M. Government after the war that, with a view to the well-being of the people and the resumption of activity, property and goods destroyed or damaged in Burma should be replaced or repaired to such extent and over such period of time as resources permit. If the resources of Burma are insufficient to enable this purpose to be achieved without aid, His Majesty's Government would be ready to give what assistance they can in conjunction with such common fund or organisation as may be established for post-war reconstruction." The statement does not expressly cover damage sustained as a result of the "scorched earth" policy, but, having regard to the extent of that damage, and the proportion which it bears to the total damage in that territory, it must be taken as a serious statement of policy covering all war damage, including not only that occasioned by official orders but that resulting from voluntary action.

Suggestions of London Chamber of Commerce.

AT the request of the Minister of Supply, the London Chamber of Commerce recently instituted a special committee to inquire into the question of possible economies in the use of stationery and commercial paper, and we have pleasure in printing some of its proposals, in the hope that they will be of use to the profession. It is stated that general use should be made of the octavo (8 in. by 5 in.) and memo (8 in. by 6¾ in.) size notepaper for commercial and general purposes, resulting also in an additional saving of carbon and duplicating paper; business houses when ordering fresh stationery should try to reduce the space occupied by printed headings; there should be a definite limit not only in the weight but in the area of paper employed for commercial and other purposes, e.g., company reports and balance sheets (max. 104 sq. in.), dividend warrants (max. 56 sq. in.), legal documents, departmental notes, charitable appeals (max. 56 sq. in.), wrappers for periodicals, and newspapers (max. 56 sq. in.), tenders, inquiries, order forms, etc., of Government departments, local authorities, and public utility bodies. Work requiring larger areas of paper than those laid down should be subject to special licence by the Paper Controller; the use of compliment slips or covering notes when forwarding accounts should be discontinued; business houses generally should be recommended to review their present methods, particularly in relation to mechanised systems, and in the issue of statements, invoices, receipts and other documentary matter, with a view to economy. The committee is of the opinion that considerable quantities of paper can be saved by avoiding the use of envelopes.

New Solicitors' Disciplinary Rules.

A NUMBER of amendments in the rules relating to the procedure of the Disciplinary Committee of The Law Society and appeals from that committee have been necessitated by the passing of the Solicitors Act, 1941. These have been embodied in new consolidating rules made by the Disciplinary Committee with the concurrence of the Master of the Rolls (the Solicitors (Disciplinary Proceedings) Rules, 1942, No. 1831/L.25), and by the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice (the Solicitors (Disciplinary Appeals) Rules, 1942, No. 1832/L.26). The rules are made (*inter alia*) under s. 16 (6) and (7) of the Solicitors Act, 1941, and come into force on 1st October, 1942. Section 16 relates to the restriction on the employment of a solicitor's clerk who has been convicted of larceny, embezzlement, fraudulent conversion or any other criminal offence in respect of money or property belonging to or held or controlled by his employer or his employer's client or who has been a party to a solicitor's default. The new rules embody the rules which s. 16 (6) and (7) empower the Disciplinary Committee and the Master of the Rolls to make with regard to applications by The Law Society to impose the restrictions, and appeals from the orders of the Disciplinary Committee under s. 16. The method of applying to the committee "that no solicitor shall in connection with his practice as a solicitor take into or retain in his employment or remunerate the solicitor's clerk named in the application without the written permission of the Society" is made parallel to the method of applying to strike a solicitor's name off the Roll or to require him to answer allegations in an affidavit. The parties, however, in the case of an application in respect of a solicitor's clerk, are to be (i) the applicant, (ii) the solicitor's clerk, and (iii) unless the committee otherwise direct, every solicitor by whom the solicitor's clerk was employed either at the time of the commission of the offence of which he was convicted or of the default to which it is alleged he was a party. In the case of all proceedings, whether against a solicitor or his clerk, the committee may act on affidavit evidence. Under the 1932 rules the written consent of the solicitor was required for this, except where he did not appear. Under the new rules any party may require the attendance on subpœna of a deponent on affidavit for the purpose of giving oral evidence, except where the affidavit is formal and the request is made with the sole object of causing delay. In the case of an application by a solicitor's clerk, the committee may order that it should be heard prior to, in the course of, concurrently with, or subsequently to the hearing of an application to strike his employer off the Roll or to answer allegations contained in an affidavit. There are two more forms in the new rules than in the old rules, and these deal with applications in respect of solicitors' clerks. Under the new Appeals Rules the court has power to order that the notice of appeal need not be served on every party to the proceedings before the committee; the court has power to extend the time for appealing, and even to grant leave to amend the grounds of appeal; and the Lord Chief Justice has power to direct that the appeal shall be heard by less than three judges. Finally, a useful new rule provides that any person who desires to be heard in opposition to the appeal and appears to the court to be a proper person to be heard, must be heard notwithstanding that he has not been served with the notice of motion, and the court may make such order as to costs as it thinks just.

A Conveyancer's Diary.

Conditions in Restraint of Litigation.

TESTATORS often have a not-unnatural desire to prevent unnecessary litigation in connection with their wills: but the careful draftsman will exercise some caution in giving effect thereto. There are, I think, two main classes of provision designed to this end. First, it is always possible to protect the trustees against proceedings for breaches of trust committed in good faith. That may be done either by a proviso that the trustees are not to be liable to make good losses caused by breaches of trust occurring otherwise than through their own neglect or dishonesty. Again, one often finds a clause protecting the trustees against proceedings for such acts as they do in pursuance of the advice of counsel of not less than so many years' standing. (It is, perhaps, as well to add words requiring the advice to be that of one who practises at the Chancery Bar.)

But these devices do nothing save protect the trustees from attack by beneficiaries for acts done within the framework created by the will. They do not alter rights, nor do they prevent challenges to the will or to its administration. Thus, if a trustee has erroneously paid A instead of B, the trustee personally may be protected, but B can recover from A within the period of limitation. And no such clause prevents B from setting up a claim, whether under or against the will, to be the person really entitled.

Testators sometimes try to get round this point by clauses of forfeiture, which are the second main category of provisions against litigation. Thus the testator may desire to provide that any beneficiary who challenges the validity of the will, or who intermeddles in the management of the estate, shall lose his interest. Where such a clause is merely one of defeasance upon an event and is unaccompanied by a gift over, it is held to be *in terrorem* and is void. Such a method should, therefore, never be adopted. But where the provision against litigation is not merely one of defeasance of a primary gift, but is also the condition precedent for the vesting of a gift over, it is *prima facie* valid. This rule is, however, subject to the restriction that the condition must not be so wide as to be repugnant to the nature of the primary gift. Thus, a general prohibition against all litigation connected with the will is void, since it would prevent the primary beneficiary from taking even the most proper and necessary legal action to reduce his interest into possession, for example, against a trespasser. English law being mainly a law of remedies, it is clearly repugnant to make a gift but to attach a condition preventing legal steps being taken to secure the enjoyment of it (see *Rhodes* v. *Muswell Hill Land Co.*, 29 Beav. 560).

If a condition with a gift over is so worded as not to be necessarily repugnant, it is valid, and the court tends to construe conditions accordingly. Thus, in *Adams* v. *Adams* [1892] 1 Ch. 369, there was a clause of defeasance upon intermeddling by a beneficiary. A beneficiary did in fact bring an action charging the trustees with various sorts of misbehaviour, and the court held not only that the action failed, but that it was wholly unfounded, frivolous and vexatious and was an unjustified attempt to intermeddle. Accordingly, it was held that the beneficiary had forfeited his interest. It is to be noted, however, that the decision was merely that a forfeiture was incurred by *vexatious* interference: it would follow that it would not have occurred upon justified proceedings for breach of trust; indeed, it is doubtful whether it would have followed even upon unsuccessful proceedings if there had been just cause for insisting on an investigation. The test is, I think, of the same nature as that in a common law action for malicious prosecution, though, as always, I put forward observations on common law with some diffidence. The point is, however, brought out well in *Re Williams* [1912] 1 Ch. 399, where there was a very odd provision that if any proceedings were started for administration the estate should stand charged, in priority to all else, with the solicitor and client costs of all parties. Proceedings were taken for administration on the footing of wilful default and the trustees submitted to judgment, presumably having no defence. They then prayed the clause about costs in aid of their resisting an order on them to pay the costs themselves. Swinfen Eady, J., refused to give effect to this contention, saying that the clause could not apply where there was a "*probabilis causa litigandi*," for which proposition he cited the old case of *Powell* v. *Morgan*, 2 Vern. 90, and *Adams* v. *Adams*, mentioned above. This decision was not exactly on a clause of defeasance, but it clearly stands on the same footing, since the clause in the will which was relied on would have had the effect, if applicable, of penalising a beneficiary, who was justifiably pursuing his remedy, by postponing his interest to a charge operating to give the actual defaulters an indemnity in respect of costs incurred through their default. The court refused to construe the clause in such a way as thus to penalise a beneficiary with a "*probabilis causa litigandi*"; it is submitted that a like test would be applied in construing a gift over on the taking of proceedings unless the words used were so wide (as in *Rhodes* v. *Muswell Hill Land Co.*, above) that the court would be driven to construing them as repugnant to the primary gift. In that event the clause of forfeiture would be void.

Landlord and Tenant Notebook.

Rent Acts: Effect of Failure to Register.

THERE are now two kinds of "controlled" properties: those to which protection was extended by the 1939 Rent Act, and those within the 1920–1938 Acts. The second group might be subdivided into properties which could never have been anything but controlled and those which might have been decontrolled if their landlords had registered them.

When discussing, in the "Notebook" of 12th September (86 SOL. J. 264), the decision of the Court of Appeal in *Hedger* v. *Shutler*, reported in the *Estates Gazette* of 2nd May last, I was not aware of the fact that the court had, a few days later, reconsidered its decision; and, the order not having been drawn up, delivered judgment afresh and in accordance with such reconsideration. The *Estates Gazette* itself reported this in its issue of 9th May, but the correspondent who first drew my attention to the case appears not to have been aware of this development.

The short point was this: a landlord of a house which could have been registered as decontrolled when the 1938 Act was passed did not register it. He let it at a rent in excess of what would have been permitted if controlled, and the question was whether the old Acts or the 1939 Act now governed the situation.

The first report was brief, and some call was made on one's deductive powers. I suggested that it was difficult, having regard to the nature of the legislation (which fetters the court rather than the landlord, etc.), to see how the proceedings could be described as "not raising the question of control," and surmised that the repealing provisions of the 1939 Act might have something to do with it. The second report suggests that this hypothesis was sound: for the reason why the court reconsidered its decision was that its attention was drawn to *Tibber* v. *Upcott* [1940] 1 K.B. 618 (C.A.) (possibly by Goddard, L.J., who was a member of the court which heard that appeal).

The facts of *Tibber* v. *Upcott* were that a flat could have been, but (owing to a mistake on the part of the landlord's agent) was not, registered under the 1933 Act. The landlord let it at a higher rent in 1937, and in October, 1939, the tenant being much in arrear, sued for the arrears. The tenant claimed that the property was controlled by the 1920 Act. The landlord contended, *inter alia*, that the 1939 Act decontrolled the premises when it came into force, thereupon applying its own protection and standards.

The vital words of s. 2 of the 1933 Act were "If in any proceedings . . . it is proved . . . that no such application has been made by or on behalf of the landlord . . . the dwelling-house shall . . . be deemed to be a dwelling-house to which the principal Acts apply." The argument that the decontrol was affected only as far as "any proceedings" were concerned was rejected on the grounds that it was impossible to formulate any purpose for which the decontrol was to remain effective—all one need do to establish recontrol was to start proceedings and prove the non-registration.

A further argument that the section, being concerned solely with matters of procedure, had ceased to have effect when repealed by the 1939 Act was dealt with in this way: a dwelling-house falling within the provisions of s. 2 of the 1933 Act acquired the status of a controlled dwelling-house. Its tenant acquired such rights and benefits as attached to a house controlled by the principal Acts. The Interpretation Act, 1889, preserved those rights.

So, on further consideration, the court held, in the case of *Hedger* v. *Shutler*, "that the decision in *Tibber* v. *Upcott* that the tenant had acquired a vested right by virtue of s. 2 of the Act of 1933 became even more strongly obvious in favour of the tenant in the present case by virtue of s. 4 of the Act of 1938." The "more strongly" possibly alludes to the fact that "excuse certificates" granted under the proviso to s. 2 of the 1933 Act re-decontrolled the property as from the date of application for the certificate; but those granted under the corresponding proviso to s. 4 of the 1938 statute merely qualified the property for decontrol anew, i.e., when the landlord acquired possession.

Thus the issue turned, in the end, on the effect of s. 38 (2) (*c*) of the Interpretation Act, 1889: "Where . . . any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed." And if the matter be taken further—the court also followed *Tibber* v. *Upcott* in granting leave to appeal—we shall no doubt hear again about the operation of the Acts, and the question whether the law they create is adjective or substantive law.

The contention that they deal with remedies rather than rights is supported by the decisions I mentioned on 12th September: *Barton* v. *Fincham* [1921] 2 K.B. 291 (C.A.), and *Salter* v. *Lask* [1924] 2 K.B. 754 (C.A.), which made it difficult to rest the then decision of the Court of Appeal on the proposition that the proceedings did not raise the question of control.

On the other hand, it may be remembered that when in *Remon* v. *City of London Real Property Co.* [1921] 1 K.B. 49 (C.A.), landlords tried to exploit this position, they failed. The plaintiff in that case received proper notice to quit from his landlords, the defendants, but ignored it. They caused the locks to be

broken and took possession of the premises when he was out, and in answer to his claim pointed out that all the Act said was that no judgment or order for the recovery of possession or ejectment should be made or given, etc.; the landlord's right to re-enter was left untouched.

However, apart from the consideration tersely expressed by Scrutton, L.J., in these words: "where the statute has forbidden any process of court to be used to eject him, I think it must have intended and be taken to forbid ejection by the private action of the landlord without the aid of the court," there was the provision of s. 15 (3) of the 1920 Act to consider, which (for the first time) gave some idea of the nature of the "statutory tenancy," speaking of one "who retained possession by virtue of the provisions of the Act." This provision, which had had no counterpart in the earlier Acts, was welcomed by the courts as investing the protected person with rights and subjecting him to obligations, and thus creating a status. The position of the tenant of a "recontrolled" house is less clearly stated, and if the point should reach the House of Lords the question will be one which might be described "to what extent is the dictum that the Acts apply to houses and not to people still true"?

Correspondence.

Two Appeals.

Sir,—I believe Mr. A. P. Herbert's proposal is that there should be one appeal—not necessarily one appellate tribunal—only. According to the nature of the point the appeal would be assigned to a tribunal of appropriate calibre. If this be so, *Bell* v. *Lever Bros., Ltd.* [1932] A.C. 161 would have been decided the same way (though less expensively).

Mr. Horace R. Light's letter in your issue of 26th September appears to overlook this. Or is his suggestion that authorship of a text-book should be an essential qualification of a law lord?

Temple, E.C.4. R. BORREGAARD.
28th September.

Legal Assistance to Soldiers.

Sir,—I have read with interest the letter on this subject in your issue of the 12th September.

Military welfare committees exist in all parts of the country, and whenever a soldier has a private case in court his commanding officer communicates with the military welfare officer in that district. As a rule the latter has already enlisted the voluntary aid of a local practising solicitor for such matters, and refers the soldier to him, and he takes the case in the ordinary way, without charge. I do that regularly, and find no difficulty in fitting it in with other cases. I am sure that in each district there is a solicitor practising in the particular court who would gladly undertake a soldier's case at the request of the military welfare officer, and fit it in with the rest of his court work. In the same way there is no real difficulty in giving advice in such matters as the military welfare officer might refer to the solicitor who has volunteered to assist him in such matters.

I can hardly believe that the profession would not sacrifice a little valuable time in such a cause. Every solicitor practising in the courts to whom I have mentioned this matter would gladly undertake such a case free of charge, and arrange for it to be heard so as to fit in with his other work.

Leeds. ERNEST WURZAL.
23rd September.

Our County Court Letter.

Decision under the Workmen's Compensation Acts.

Fitness for Pre-accident Work.

IN *Power* v. *Derbyshire Stone, Ltd.*, at Matlock County Court, the applicant was aged thirty-five, and, on the 29th April, 1939, he had strained himself while lifting some machinery in the course of his work as a mechanic. Full compensation was paid until the 28th July, 1940, when it was reduced to 13s. 4d. a week. On the 24th September, 1940, there was a recurrence of total incapacity, and full compensation was restored. On the 12th December, 1940, the compensation ceased, and the applicant worked as a switchboard attendant until June, 1941. He was now a timekeeper, at £3 a week. As this was more than his pre-accident earnings, the question resolved itself into one of a declaration of liability and payment for the six weeks during which compensation was stopped. The respondents' case was that the applicant was a malingerer, and that he was fit for his pre-accident work. His Honour Judge Willes, sitting with a medical assessor, held that the applicant was not a malingerer in a fraudulent sense. Nevertheless, he was possibly lacking in courage, but not in honesty. He had not made out a case for a declaration of liability or payment of any compensation. No award was made.

His Honour Judge Cecil James Frankland, of Leeds, county court judge, left £21,938, with net personalty £20,232.

To-day and Yesterday.

LEGAL CALENDAR.

28 September.—If Henry Howley had had more self-control Robert Emmet's conspiracy might have succeeded. He was a carpenter by trade and the ostensible proprietor of the store in Thomas Street, Dublin, which was a centre for the rebels. He had charge of the coaches in which Emmet and his fellows meant to effect their entrance into the Castle, but while engaged on this business he became involved in a casual brawl in Bridgefoot Street, during which he unfortunately shot Colonel Lyde Brown. Consequently he had to fly and leave the coaches to their fate. When tracked to his hiding place he shot one of his pursuers and escaped, but he was soon caught and condemned to death. He was hanged on the 28th September, 1803, before the prison in Green Street, meeting his death with fortitude.

29 September.—On the 29th September, 1773, an Act of Parliament came into force establishing a standard wheaten bread made of the flour of wheat which, without any mixture or division, was to be the whole produce of the grain, the bran or hull only excepted, and was to weigh three-quarters of the weight of the wheat of which it was made. From that date the justices at quarter sessions might prohibit for three months the baking or selling of other bread than standard wheaten. This law was made necessary because there was no possibility of assaying flour so as to define and then ascertain the degree of its proportionable fineness. A legal authority declared that it had the merit "that it contains no novelty, hazards or experiment, offers nothing but what the experience of ages hath justified."

30 September.—In May, 1857, it was found that the manager of the Falkirk branch of the Commercial Bank of Scotland had succeeded in appropriating £30,000 of its money. He was a justice of the peace, an elder of the church, a prominent political leader and a former provost, and when the discovery was made he escaped to Conway, where he hanged himself in the stable of a public-house. As he was thus out of reach it was decided to prosecute William Reid and Thomas Gentles, the two young clerks who had "cooked" the accounts on his behalf. They were tried in the Circuit Criminal Court at Stirling on the 30th September. The strange thing was that they had certainly never received any of the money themselves and on that ground the jury recommended them to mercy. They were sentenced to eighteen months' imprisonment.

1 October.—Since the first Wednesday after Michaelmas may fall on the 1st October, this is the day to recall the strange "Lawless Court" of which Fuller wrote. "Riding from Raleigh towards Rochford, I happened to have the good company of a gentleman of this country who, by the way, showed me a little hill, which he called the King's Hill, and told me of a strange customary court and of long continuance there yearly kept, the next Wednesday after Michaelmas Day in the night upon the first cock crowing, without any kind of light save such as the heavens afford. The steward of the court writes only with coals and calleth all such as are bound to appear with as low a voice as possibly he may, giving no notice when he goeth to execute his office. Howsoever he that gives not answer is deeply amerced; which servile attendance (saith he) was imposed at the first upon certain tenants of divers manors hereabouts for conspiring in this place, at such an unseasonable time to raise a commotion." Fuller wrote in the seventeenth century.

2 October.—Joseph Ritson, born at Stockton-upon-Tees on the 2nd October, 1752, was one of those lawyers who take another turning. Bred to the law, he joined Gray's Inn, where he was called to the Bar in 1789. He restricted himself to chamber practice and even neglected that to indulge in the more congenial study of the older English poets. In the Bodleian and elsewhere he quietly gathered with scrupulous accuracy a multitude of facts, carelessness with regard to which he treated as little better than a moral delinquency, castigating it, wherever he found it, with an inevitability and a deadly invective which made him a formidable antagonist. His own "Select Collection of English Songs" was far superior to anything of its kind which had appeared before for erudition and accuracy. Scott, who knew him well, praised his honesty "which, if it went to ridiculous extremities, was still respectable from the soundness of the foundation."

3 October.—In 1616 Chief Justice Coke had fallen into disgrace. He was ordered by the King to refrain from going on circuit and to occupy the time revising "such novelties and errors and offensive conceits as were dispensed in his Reports." On the 3rd October he was summoned before the Privy Council to say what he had done about it. He said that there were eleven books and 500 cases in his reports, "that heretofore in other reports much reverenced there had been found errors which the wisdom of time had discovered," and that he was happy to have found no more errors in his own 500 cases than in a few cases of Plowden. His enemies, however, were determined to be rid of him, and next month he was dismissed.

4 October.—On the 4th October, 1763, "Elizabeth and Anne Clark, two little girls, were committed to Northampton Gaol for poisoning Richard Cross, a working man, by putting arsenic into his pottage."

Obituary.

MR. P. J. BOLAND.

Mr. Peter John Boland, Barrister-at-Law, died on Thursday, 24th September, aged sixty-six. He was called by the Middle Temple in 1900, and was also a member of Lincoln's Inn.

MR. J. B. MONTAGU.

Mr. James Barnet Montagu, Barrister-at-law, died on Sunday, 27th September. He was called by the Middle Temple in 1915.

MR. G. P. SLADE, K.C.

Mr. George Penkivil Slade, K.C., late Acting Commander, R.N.V.R. (Special Branch), died on Sunday, 13th September, aged forty-three. He was educated at Eton and Magdalen College, Oxford, and was called by the Inner Temple in 1923. He took silk in 1939.

War Legislation.

STATUTORY RULES AND ORDERS, 1942.

No. 1891. **Alien.** Conditions of Landing. Variation, Sept. 14, under art. 1 (4) of the Aliens Order, 1920, as subsequently amended, of Conditions attached to the grant of certain aliens of leave to land.

No. 1892. Alien. Employment. Order, Sept. 14, under art. 17 (2) of the Aliens Order, 1920, as subsequently amended.

No. 1883. **Chartered and Other Bodies** (Temporary Provisions). General Medical Council (Temporary Provisions) Order in Council, Sept. 17.

E.P. 1885. **Cultivation of Lands** (Northern Ireland) Order, Sept. 14.

E.P. 1882. **Defence** (Armed Forces) Regulations, 1939; Defence (Companies) Regulations, 1940; Defence (Evacuated Areas) Regulations, 1940; Defence (Home Guard) Regulations, 1940, and Defence (Patents, Trade Marks, etc.) Regulations, 1941. Amendment Order in Council, Sept. 17.

E.P. 1881. Defence (General) Regulations, 1939. Order in Council, Sept. 17, amending Regs. 26A, 27B, 29B, 31A, 49, 54B, 54C, 55, 60DA, 94A and 100, revoking reg. 7A, and renumbering reg. 42AA, and adding now regs. 3A (Special safeguards for certain areas), 42AA (Police Calls in Scotland as places of detention), 55D (Sale of controlled articles taken in execution), 60MA (Period for preservation of certain records), and 79CA (Compensation in respect of certain requisitioned land).

E.P. 1913. **Food** (Points Rationing) (No. 2) Order, 1942. Amendment Order, Sept. 18.

E.P. 1901. **Laundry** (Control) (No. 2) Order, Sept. 17.

E.P. 1820. **Loading of Ships** (Convention Countries) Order, Aug. 12.

No. 1717. **London Passenger Transport.** London Transport Stock (Amendment) Regulations, Aug. 28.

No. 1908. **Lunacy and Mental Treatment, England.** Mental Treatment (Emergency Provisions) Rules, Sept. 7.

E.P. 1859. **Making of Civilian Clothing** (Restrictions) (No. 12) (Amendment) Order, Sept. 14.

E.P. 1890. **Police** (Employment and Offences) (No. 3) Order, Sept. 17.

E.P. 1925/S. 47. Police (Employment and Offences) (No. 3) (Scotland) Order, Sept. 9.

E.P. 1914. **Rationing** (Personal Points) Order, 1942. Amendment Order, Sept. 18.

No. 1904. **Special Constables Order,** Sept. 17.

No. 1840. **Trading with the Enemy** (Specified Persons) (Amendment) (No. 15) Order, Sept. 15.

No. 1905. **Visiting Forces** (British Commonwealth) Application to Colonies etc. Order in Council, Sept. 17.

Notes and News.

Honours and Appointments.

The Board of Trade have appointed Mr. F. R. D. WALTER to be Official Receiver for the Bankruptcy District of the Norwich and Great Yarmouth County Courts, with effect from 1st October, 1942, in place of Mr. F. B. Jewson, who has resigned. Mr. Walter was admitted in 1921.

Notes.

Lieut. J. L. A. Gradwell, R.N.V.R., has been awarded the D.S.C. for bravery and resource while on escort duty on H.M.S. Ayrshire. He was called by the Inner Temple in 1925, and practised in Liverpool.

The Town Clerk of High Wycombe, Mr. P. B. Beecroft, searching for salvage in the municipal offices, found a sheriff's quittance roll of 1699–1700 in abbreviated Latin on parchment. The document, over 8ft. in length, will be presented to the Bucks Archæological Society for preservation in the county museum.

THE LATE MR. JUSTICE LANGTON.

Arrangements have been made with the authorities of Westminster Cathedral for a requiem mass to be celebrated at Westminster Cathedral on Saturday, 10th October, 1942, at 11.30 a.m., for the repose of the soul of the late Mr. Justice Langton. Seats will be reserved for members of the Bar and solicitors.

Notes of Cases.

HOUSE OF LORDS.

Duncan and Another *v.* Cammell, Laird and Co., Ltd.

Viscount Simon, L.C., Lord Thankerton, Lord Russell of Killowen, Lord Macmillan, Lord Wright, Lord Porter and Lord Clauson. 27th April, 1942.

Practice—Production of documents—Undesirability of production in national interest—Principles applicable.

Appeal by two plaintiffs from a decision of the Court of Appeal (MacKinnon, Goddard and du Parcq, L.JJ.) upholding a decision of Hilbery, J., affirming a refusal by the master to order the production of certain documents.

The action was brought by the personal representatives of civilian employees against the defendants, the builders of the submarine "Thetis," for damages in respect of the death of those employees in the accident which occurred to the vessel in June, 1939. In the course of the proceedings a list of documents of which inspection was required by the plaintiffs was submitted by the company's solicitors to the First Lord of the Admiralty, who directed the solicitors to refuse to produce them on the ground that their production would be prejudicial to the public interest. Their lordships took time for consideration.

LORD SIMON, L.C., said that the question for decision could only arise as a matter of law in England in cases where a subpœna was issued to a minister or department to produce a document (usually but not necessarily in a suit where the Crown was not a party), or where it intervened in a suit between private individuals (as in the present case) to secure, on the ground of public interest, that documents in the hands of one of the litigants should not be produced. The present decision was limited to civil actions. The principle was that documents otherwise relevant and liable to production must not be produced if the public interest required that they should be withheld. That test might be found to be satisfied either (*a*) by having regard to the contents of the particular document, or (*b*) by the fact that the document was of those which, on grounds of public interest, must as a class be withheld from production. What was the proper form in which objection should be taken that the production of a document would be contrary to the public interest? Should that objection be treated by the court as conclusive, or were there circumstances in which the judge should look at the documents before ruling on their production? The essential matter was that the decision to object should be taken by the minister who was the political head of the department, and that he should have seen and considered the contents of the documents and himself have formed the view that, on grounds of public interest, they ought not to be produced, either because of their actual contents or because of the class of documents, for example, departmental minutes, to which they belonged. The approved practice was to treat a ministerial objection, taken in proper form, as conclusive. The rule that the interest of the State must not be put in jeopardy by producing documents which would injure it was a principle to be observed in administering justice, quite unconnected with the interests of the particular parties, and, indeed, was a rule on which the judge should, if necessary, insist, even though no objection were taken at all. It was important to remember that the decision ruling out the documents was that of the judge; it was he who was in control of the trial, not the executive. As for the kind of ground which would not afford the minister adequate justification for objecting to production, it was not sufficient that the documents were "State documents," or "official," or were marked "confidential"; or that, if they were produced, the consequences might involve the department or the Government in Parliamentary discussion or in public criticism, or might necessitate the attendance, as witnesses or otherwise, of officials who had pressing duties elsewhere. Neither would it be a good ground that production might tend to expose a want of efficiency in the administration, or tend to lay the department open to claims for compensation. In a word, it was not enough that the minister or the department did not want to have the documents produced. The minister ought not to take the responsibility of withholding production except in cases where the public interest would otherwise be damnified, for example, where disclosure would be injurious to national defence, or to good diplomatic relations, or where the practice of keeping a class of document secret was necessary for the proper functions of the public service. Here the appeal would be dismissed, with costs. The other noble and learned lords agreed.

COUNSEL: *Wallington*, K.C., and *Holroyd Pearce* (for *Donald McIntyre*, on war service); *R. M. Everett* (for *H. I. Nelson*).

SOLICITORS: *Evill & Coleman; Carpenters*, for *Laces & Co.*, Liverpool.

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

COURT OF APPEAL.

Worthing Borough Council *v.* The Southern Railway Co.

Lord Greene, M.R., MacKinnon and Luxmoore, L.JJ. 31st July, 1942.

Rating—Hereditament included in first railway roll—After expiry of quinquennial period local authority makes proposal for assessment of premises—Second railway valuation roll not then completed—Validity of proposal—Railways (Valuation for Rating) Act, 1930 (20 & 21 *Geo.* 6, *c.* 24), *s.* 18 (3).

Appeal from a decision of Uthwatt, J., 86 SOL. J. 63.

The first defendants, the Southern Railway, were the owners and the second defendants, H., Ltd., were the occupiers of a coal wharf in the borough of W. On the 27th April, 1934, the first railway valuation roll relating to the railway was completed under the Railways (Valuation for Rating) Act, 1930, and took effect from the 1st April, 1931. The wharf was included in that roll. The hereditaments and values attributed on

that roll were, under s. 12 of the Act, entered by the assessment committee on the valuation list of the borough kept under the Rating and Valuation Act, 1925. After the decision of the House of Lords, in *Westminster City Council* v. *Southern Railway* [1936] A.C. 511, the plaintiffs, being the rating authority for the area, anticipated that the wharf would not appear as a railway hereditament in the second railway valuation roll for the second five-year period. They accordingly, purporting to act under s. 37 of the Act of 1925, made a proposal, dated the 22nd February, 1937, for the amendment of the valuation list by the separate assessment of the wharf on the ground that it was not a railway hereditament. This proposal was not heard. On the 27th January, 1939, the second railway valuation roll was completed, and the wharf did not appear thereon as a railway hereditament. By this summons the plaintiffs asked for a declaration that, upon the true construction of the Acts of 1925 and 1930, their proposal of the 22nd February, 1937, was a valid and effective proposal. The railway and H., Ltd., contended that the proposal was invalid as the second railway valuation roll had not been completed at the date it was made. Section 18 (3) of the Act provides that the provisions of the Rating and Valuation Acts, with respect, *inter alia*, to the revision or amendment of current valuation lists by means of proposals, shall not apply in the case of "a hereditament for the time being shown on the railway valuation roll as a railway hereditament." Uthwatt, J., held that the phrase "railway valuation roll" in s. 18 (3) of the Act of 1930 meant "the railway valuation roll by virtue of which the hereditament appears on the valuation list" and accordingly the proposal of the 22nd February, 1937, was ineffective and nugatory. The plaintiffs appealed.

LORD GREENE, M.R., said that whichever view was taken the result would be one which Parliament could not have intended. The result of Uthwatt J.'s decision admittedly led to injustice, but the interpretation which he rejected would have led to chaos. In order that the assessment committee might copy values from the railway valuation roll into the valuation list, it was essential that at some time during the currency of that list there should be in existence a railway valuation roll which was operative. The period covered by the first railway valuation roll began on the 1st April, 1931, that covered by the second on the 1st April, 1936. The relevant quinquennial period of the plaintiff corporation began on the 1st April, 1933, and ended on the 31st March, 1938. The plaintiffs wished their valuation list to conform with the two railway valuation rolls for this period. If the second roll had been completed before the 31st March, 1938, the corporation could have ensured that their valuation list should have been amended as from the 1st April, 1936, by striking the wharf out as a railway hereditament, and rates would have been payable continuously on the wharf. The second valuation roll was not completed until 1939 after the quinquennium of the plaintiffs had expired. It was tempting to reject the construction of s. 18 (3) of Uthwatt, J., and to hold that the prohibition against a proposal in the subsection was inapplicable, on the ground that there was at the time no railway valuation roll in force on which the wharf appeared. However, the consequences of so reading the section would be disastrous. If the prohibition did not apply, the machinery, the use of which was prohibited by the subsection, would come into action in respect of every single hereditament which had been shown on the first roll as a railway hereditament. He felt constrained to agree with the view of Uthwatt, J., and the appeal failed.

MACKINNON, L.J., delivered a dissenting judgment.

LUXMOORE, L.J., agreed with the Master of the Rolls.

Appeal dismissed. Leave to appeal to the House of Lords.

COUNSEL: *Sydney Turner*, K.C., and *E. J. C. Neep*; *Craig Henderson*, K.C., and *Colin Pearson*; *G. D. Squibb*.

SOLICITORS: *Sharpe, Pritchard & Co.*, for the *Town Clerk*, Worthing: *H. L. Smedley*; *Braby & Waller*.

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

APPEALS FROM COUNTY COURT.

Robinson *v.* London Brick Co.

Lord Greene, M.R., and MacKinnon and Goddard, L.JJ. 12th June, 1942.

Workmen's compensation—Widow's acceptance of damages under Total Accidents Act, 1846—Defendant child—Whether entitled to children's allowance—Workmen's Compensation Act, 1925 (15 & 16 *Geo.* 5, *c.* 84), *s.* 8.

Employers' appeal from an award under the Workmen's Compensation Act, 1925, made by His Honour Judge Lawson Campbell at Peterborough on 13th January, 1942.

The applicant (respondent to the appeal) was the infant child of a deceased workman who met his death in an accident arising out of and in the course of his employment. Both the widow and the applicant, who was the only child, were wholly dependent on his earnings. The widow elected to claim damages under the Fatal Accidents Act, 1846, and the Law Reform (Miscellaneous Provisions) Act, 1934, and accepted £1,750 in satisfaction of her claim. The applicant's claim was for £528 12s. made up of the lump sum of £300 (which it was admitted was payable) and the children's allowance £228 12s., and this claim succeeded before the arbitrator. Section 8 of the Workmen's Compensation Act, 1925, provides for a lump sum to be paid in cases of fatal accidents and for its computation, but that it should not exceed a maximum of £300; in certain cases a children's allowance was payable in addition to the basic sum, the required circumstances, so far as relevant to the present case, being: "if the workman leaves a widow . . . wholly or partially dependent on his earnings, and in addition leaves one or more children under the age of fifteen so dependent . . ."

LORD GREENE, M.R., said that the argument for the respondent was that it was not legitimate to write into the subsection words which would make the obligation to pay it dependent upon the widow being or having the right to be a claimant. The decision in *Avery* v. *L. & N.E.R. Co., Ltd.* [1938] A.C. 606 made it clear that the respondent in this case was entitled to claim the maximum compensation payable in the circumstances, without regard to the fact that his mother had already been paid damages. The appellants relied on the use of the word "additional," the use of the word "allowance," and on s. 8 (3) (ii), which provided: "If the widow or other member of the workman's family and such child or children as aforesaid, or any of them, were partially dependent on the workman's earnings, the children's allowance shall be such proportions of the sum which would have been payable under the foregoing rule if all such persons had been wholly dependent . . ." If the respondent was right, this would have a curious result. The question whether a widow was wholly or partially dependent on her deceased husband's earnings was really only relevant to a claim by the widow. It was not a matter which, in the ordinary case, affected another claimant. In the present case, if the widow, besides having received damages, had been only partially dependent, the amount which the respondent would, on his argument, be entitled to would fall to be reduced for no apparent reason. These considerations might well tip the balance, if the words which had to be interpreted had been obscure and ambiguous, but they were not. The anomalous results of *Avery's* case and of the present case were attributable to a failure by the Legislature to appreciate that, unlike claims outside the Workmen's Compensation Act, which were based on the injury suffered by the claimant, the compensation payable under the Act in fatal cases was more analogous to insurance, subject to one qualification based on total or partial dependency. The appeal would be dismissed.

MACKINNON and GODDARD, L.JJ., delivered judgment to the like effect. Leave was granted to appeal to the House of Lords.

COUNSEL: *F. A. Sellers*, K.C., and *W. H. Duckworth*; *F. W. Beney*.

SOLICITORS: *Barlow, Lyde & Gilbert*; *Chamberlain & Co.*, for *Mellows and Sons*, Peterborough.

[Reported by MAURICE SHARE, Esq., Barrister-at-Law.]

CORRECTION.

In *In re Lewis*; *Goronwy* v. *Richards*, reported in our issue of the 29th August, at p. 253, Mr. Harold King appeared for the plaintiff, and not Mr. Humphrey King, as stated.

Rules and Orders.

COUNTY COURT, ENGLAND.

COURTS AND DISTRICTS.

THE COUNTY COURT DISTRICTS (NORTHALLERTON, THIRSK AND LEYBURN) ORDER, 1942. DATED SEPTEMBER 10, 1942.

I, John Viscount Simon, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by the County Courts Act, 1934, and of all other powers enabling me in this behalf, Do hereby order as follows:—

1.—(1) The districts of the Northallerton, Thirsk and Leyburn County Courts shall be consolidated and a court shall be held for the consolidated district at least once in every month at Northallerton and whenever the Judge thinks it expedient at Thirsk and at Leyburn.

(2) The court shall be held by the name of the Northallerton County Court:

Provided that no process shall be invalid if the court is described therein as the Thirsk County Court or the Leyburn County Court.

(3) The court shall have jurisdiction with respect to proceedings commenced in any of the said courts before this Order comes into operation.

2. The Registrar shall keep open offices of the said court at Northallerton, Thirsk and Leyburn on such days and during such hours as may be prescribed by or under County Court Rules and shall hold a Registrar's Court at each of those places on such days as the Judge may appoint.

3. This Order may be cited as the County Court Districts (Northallerton, Thirsk and Leyburn) Order, 1942, and shall come into operation on the 1st day of October, 1942.

Dated the 10th day of September, 1942. *Simon*, C.

A Bill providing for the appointment of children's guardians to assist courts of summary jurisdiction on hearing charges against, and of applications relating to children and young persons, has been introduced by the Northern Ireland Government. The measure states that where a child is present in court on a charge or for hearing an application, two children's guardians may be associated with the resident magistrate. The Governor of Northern Ireland will appoint as guardians for each petty sessions district a number of persons qualified to deal with juvenile cases. The guardians will be able to interrogate any person giving evidence, but will not otherwise be empowered to exercise any judicial functions.

The Board of Education have for some time been concerned with the fact that the educational services of the country have been gravely handicapped by the inability of local education authorities to use emergency powers for obtaining possession of premises by compulsion where the owners or occupiers have refused to give up possession by agreement. To overcome those difficulties the board have now obtained the powers of a competent authority under Defence Regulation 51, and will be prepared to consider applications by authorities for the use of those powers in suitable cases. On receipt of any such application instruction will be sent as to the procedure to be adopted.

Mr. Alfred Lindsay Densham, Barrister-at-law, of Kingston-on-Thames, left £51,673, with net personalty £49,746.